REMARKS

Applicant respectfully requests reconsideration of this application as amended.

Claims 15, 18, 20-21, 25-26, 30-31, 33, 35-37, 39 and 41 have been amended. Claims 1-14, 17, 19, 22-24, 27-29, 32, 34, 38 and 40 have been cancelled without prejudice. No new claims have been added. Therefore, claims 15, 18, 20-21, 25-26, 30-31, 33, 35-37, 39 and 41 are presented for examination. The following remarks are in response to the final Office Action, mailed January 22, 2009, and the advisory action, mailed, April 7, 2009.

35 U.S.C. § 103 Rejection

Claims 15-17 and 20-24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Cundiff, JR., et al., U.S. Patent Publication No. 2004/0230973 ("Cundiff") in view of Chang, et al., U.S. Patent No. 7,203,697 ("Chang").

Claim 15, as amended, in pertinent part, recites:

> an administration service to generate runtime management beans ("MBeans"), each runtime MBean is associated with a server node and one or more resources associated with the server node, each runtime MBean collecting monitoring data for its one or more associated resources and reporting the monitoring data to a corresponding monitor MBean; and
> a monitor service in communication with the administration service, the monitor service to generate monitor MBeans, each monitor MBean corresponding to a server node and its associated runtime MBean, and each monitor MBean having a resource identifier to identify its corresponding runtime MBean and its one or more associated resources.
> (emphasis added)

Applicants respectfully disagree with the Examiner's characterization of the references and the pending claims. For example, Cundiff discloses "an implementation for 'management beans' or MBeans in a multiple Java Virtual Machine (JVM) server . . . [b]y *providing a single MBean interface so that a client or an element external to the*

server executes a single request and/or receives a single notification, no matter how

many servant JVMs exist, to the external element, the multiple JVM system appears to act

like a single JVM system . . . [and] providing management across several JVM servers

[depends] upon *one server being designated as a control JVM and the remaining JVM*

servers being designated as servant JVMs, under the control of the control JVM."

(Abstract; emphasis added).

      Cundiff further discloses "[s]ince the Servant Processes are homogeneously

configured, *different instances of the same managed component will activate the same*

logical MBean in each Servant Process." (paragraph 0038; emphasis added).

      Cundiff's *single MBean interface* and *different instances of the same managed*

component to **activate the same logical MBean** *in each Servant Process* inherently

teaches away from having a server nodes associated with monitor MBeans and further

associated with runtime Beans as recited by claim 15. Cundiff merely discloses *the same*

logical MBean and does not employ multiple types of MBeans (such as monitor MBeans

and runtime MBeans) performing different duties as recited by claim 15.

      The Examiner acknowledges the deficiencies of Cundiff, but asserts that Chang

makes up for those deficiencies. Applicants respectfully disagree with the Examiner's

characterization of Chang. For example, the Examiner points out that Chang discloses

"[r]ather than requir[ing] an mbean 115 for each resource, the system 100 includes an

mbean 115 for each type of resource. That is, within the system 100, there is *one mbean*

115 for all servers, *another mbean 115 for all nodes*, *still another mbean 115 for*

clusters, and so forth . . . [b]y *avoiding a one-to-one correspondence between mbeans*

and resources instances . . . ." (col. 5, lines 36-44; emphasis added).

      As recited above, Chang specifically *teaches against* using *an mbean for each*

resource and, instead, employs an mbean for each *type of resource*, such as *one mbean for all servers*, *one mbean for all nodes*. Chang's use of *single mbean for each type of resource rather than having an mbean for each resource* is inherently different and *teaches away* from associating *each server node* and its corresponding *one or more resources* to a monitor MBean and a runtime MBean as recited by claim 15. Further, like Cundiff, Chang does not teach or reasonably suggest employing runtime MBeans and monitor MBeans as recited by claim 15. Accordingly, Applicants respectfully request the withdrawal of the rejection of claim 15 and its dependent claims.

Claims 30 and 36 contain limitations similar to those of claim 15. Accordingly, for at least the same reasons as set forth above with reference to claim 15, Applicants respectfully request the withdrawal of the rejection of claims 30 and 36.

Claim 18 is rejected under 35 U.S.C. §103(a) as being unpatentable over Cundiff, JR., et al., U.S. Patent Publication No. 2004/0230973 ("Cundiff"), Chang, et al., U.S. Patent No. 7,203,697 ("Chang"), as applied to claim 17 above, in view of Ismael, et al., U.S. Patent No. 6,061,721 ("Ismael").

Claim 18 depend from claim 15 and thus include all the limitations of the base claim. Accordingly, for at least the same reasons as set for above with reference to claim 15, Applicants respectfully request the withdrawal of the rejection of claim 18.

Claim 19 is rejected under 35 U.S.C. §103(a) as being unpatentable over Cundiff, JR., et al., U.S. Patent Publication No. 2004/0230973 ("Cundiff") in view of Jung, et al., U.S. Patent No. 6,308,208 ("Jung").

Claim 19 has been cancelled without prejudice.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: April 20, 2009   /Aslam A. Jaffery/_____
                         Aslam A. Jaffery
                         Reg. No. 51,841

12400 Wilshire Boulevard
7th Floor
Los Angeles, California 90025-1030
(303) 740-1980